

### **REMARKS**

The present Amendment is in response to the Examiner's Office Action mailed February 6, 2008. Claims 2, 4, 6, and 18-20 are cancelled, claims 1, 3, 5, and 12 are amended, and new claims 21-25 are added. Claims 1, 3, 5, 7-17, and 21-25 are now pending in view of the above amendments.

Applicant notes that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claims and the cited references. Applicant also notes that the remarks presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited reference. Such remarks, or a lack of remarks, are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **Interview**

Applicant expresses their appreciation to the Examiner for conducting a telephone interview with Applicant's representative on April 10<sup>th</sup>, 2008. This response includes the substance of the interview.

### **Allowed Subject Matter**

The Examiner has indicated that claims 4 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening

claims. Applicant thanks the Examiner for the careful review and indication of allowability regarding claims 4 and 5. In response, Applicant has incorporated the limitations of claim 4 into claim 1. In so doing, the scope of claim 1 as currently pending has not been narrowed in any way so as to overcome any prior art, but reflects claim 4 in an independent form. As a result, claim 1 is patentably distinct from the prior art, and is in a condition for allowance. Moreover, for at least the same reason, claims now depending from amended claim 1 are also in condition for allowance.

### **Rejections Under 35 U.S.C. § 102**

The Office Action rejected claims 1-3, 12-13 under 35 U.S.C. § 102(b) over U.S. Patent No. 6,175,405 (*Kawai*). Claims 1 and 6 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,933,754 (*Reed*). Claims 1, 7-8, 12, and 14-15 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,621,600 (*Boyd*). Claim 1-9-10, 12, and 16-17 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,734,903 (*Takeda*). Applicant respectfully traverses the rejection under § 102 at least on the grounds that the references – alone or in combination – fail to teach or suggest each and every element of the rejected claims.

As previously discussed, claim 1 has been amended to incorporate the elements of claim 4, which was identified as allowable. As discussed during the interview, claim 1 is allowable and the rejections of claim 1 under § 102 are moot. Applicant does not concede or admit, however, to the characterizations and teachings of the cited art advanced by the Examiner and reserves the right to traverse as needed.

Claim 12 has been amended to recite “an optical grid plate having an aperture, wherein rotation of the optical grid plate by said driving force changes an effective light-transmission area *of the aperture*.” As discussed during the interview, *Kawai* does not teach a device that changes the effective light transmission area of a particular aperture, but rather a device that selectively places different “aperture stops” within the light beam. Figure 2 of *Kawai*, for instance, illustrates a rotatable plate that can be positioned at different aperture stops. However, positioning the plate of *Kawai* for different aperture stops fails to teach or suggest an “optical grid plate having an aperture, wherein rotation of the optical grid plate by said driving force changes an

effective light-transmission area of the aperture" as recited in claim 12. In other words, rotation of the plate 21, as taught by *Kawai*, selects a different aperture stop while claim 12 recites, in contrast to the teachings of *Kawai*, that "rotation of the optical plate . . . changes an effective light-transmission area of the aperture". For at least these reasons and as tentatively agreed at the interview, *Kawai* fails to teach or suggest this element of claim 12, among others.

As further discussed at there interview, *Boyd* or *Takeda* similarly fail to teach or suggest these elements of claim 12. More specifically, claim 12 recites that "rotation of the optical grid plate by said driving force changes an effective light-transmission area of the aperture." *Boyd*, in contrast, discloses a variable aperture element 106 (see col. 2, lls. 43-44) and *Takeda* discloses an aperture that opens and closes (see col. 12, lls. 46-49). However, opening and closing an aperture fails to teach or suggest an "optical grid plate having an aperture, wherein rotation of the optical grid plate by said driving force changes an effective light-transmission area of the aperture" as recited in claim 12.

For at least these reasons and as discussed during the interview, Applicant respectfully submits that claim 12 is patentable over the cited art.

### **Rejections Under 35 U.S.C. § 103**

The Office Action rejected claims 1 and 11 under 35 U.S.C. § 103(a) over *Boyd* in view of *Johnson*. Claims 18 and 20 were rejected under 35 U.S.C. § 103(a) over *Takeda* in view of *Reed*. Claim 1 is allowable as previously discussed and claim 11 is allowable for at least the same reasons. Claims 18 and 20 have been cancelled, rendering the rejection moot.

### **New Claims**

This amendment presents new claims 21-25. As discussed in the interview, claim 21 requires both "an optical grid plate having a region with a light-transmissible area" and a "means for moving the optical grid plate to change the effective light-transmissible area of the region . . ." In contrast to the "means for moving" recited in claim 21, *Kawai* teaches a plate that places different aperture stops within the light path.

Placing different aperture stops within the light path fails to teach or suggest moving the optical grid plate to change the effective light-transmissible area of a specific region as recited in claim 21. As discussed during the interview, claim 21 is patentable over the references applied in the Office Action. Claims 22-25 are allowable by virtue of their dependence on claim 21.

### **Conclusion**

In view of the foregoing, and consistent with the tentative agreement reached during the Examiner Interview, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 6<sup>th</sup> day of May, 2008.

Respectfully submitted,

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